

Senate bill No. 61, being "An Act to regulate the practice of osteopathy and creating a board of examiners, providing for registration of certificates, and providing penalties for violation of the act."

And find the same correctly engrossed,
BARRETT, Chairman,
Committee Room.

Austin, Tex., Feb. 2, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir, Your Committee on Judicial Districts, to whom was referred

Substitute House bill No. 69, a bill to be entitled "An Act to reorganize the Forty-seventh and Fiftieth Judicial Districts, and to create the Sixty-fourth Judicial District of the State of Texas, and to fix the time of holding courts in said districts, and to provide for the appointment of a Judge for the said Sixty-fourth Judicial District, and a District Attorney for the Fiftieth Judicial District, and to repeal all laws in conflict herewith."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

HALE, Chairman.

NINETEENTH DAY.

Senate Chamber,

Austin, Tex., Friday, Feb. 3, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Harper.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Decker.	Looney.
Faulk.	Martin.
Faust.	McKamy.
Glasscock.	Paulus.
Griggs.	Skinner.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harblson.	Willacy.

Absent.

Davidson.	Terrell.
Smith.	

Absent—Excused.

Holland.	Meachum.
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Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Skinner the same was dispensed with.

(See Appendix for committee reports.)

BILLS AND RESOLUTIONS.

(Bills.)

By Senator Hill:

Senate bill No. 170, a bill to be entitled "An Act to amend an Act of the Twenty-eighth Legislature, entitled 'An Act to establish a State Board of Embalming, defining the duties thereof, to provide for the better protection of health and life, to prevent the spread of contagious diseases, to regulate the practice of embalming in connection with the care and disposition of the dead, to provide a penalty for the violation thereof and declaring an emergency by providing for temporary certificates.'"

Read first time, and referred to Committee on Public Health.

By Senator Looney:

Senate bill No. 171, a bill to be entitled "An Act to repeal Chapter 12, of the General Laws of Texas, passed by the Twenty-seventh Legislature, Chapter 12, page 12, Laws of 1901, and to pass in lieu thereof this Act: To license physicians and surgeons and to regulate the practice of medicine and to punish persons violating the provisions thereof."

Read first time, and referred to Committee on Public Health.

By Senator Harper:

Senate bill No. 172, a bill to be entitled "An Act to regulate the granting of permission of certain associations and societies to do an insurance business in this State, and granting such permission, providing for a deposit of \$100,000 in cash or securities, and providing for the appointment of agents, etc., and providing that this act shall be only cumulative of other acts relating to insurance."

Read first time, and referred to Committee on Insurance, Statistics and History.

By Senator Barrett:

Senate bill No. 173, a bill to be entitled "An Act to amend Article 21 of Title IV of the Revised Civil Statutes of Texas, and to create the Sixth Supreme Judicial District of Texas, and provide for the organization of a Court of Civil Appeals within and for the Sixth Supreme Judicial District of Texas."

Read first time, and referred to Committee on Judicial Districts.

By Senator Skinner:

Senate bill No. 174, a bill to be entitled "An Act to amend Section 12 and Section 21 of Chapter 128 of the Acts of the Twenty-sixth Legislature, entitled 'An Act providing a mode by which horses, mules, jacks, jennets and cattle may be prevented from running at large in certain counties or in any subdivision of said counties, so that when an election under said law shall

be in favor of the stock law that the certificate thereto shall be prima facie evidence of a compliance with the law to put same in force; also to provide for the punishment of any one violating the provisions of said act, and emergency."

Read first time, and referred to Judiciary Committee No. 1.

Morning call concluded.

SUBSTITUTE HOUSE BILL NO. 69 —PASSAGE OF.

On motion of Senator Decker, the pending order of business (committee substitute bill Nos. 1, 8 and 50) was suspended, and the Senate took up, out of its order, substitute House bill No. 69.

The Chair laid before the Senate, on its second reading,

Substitute House bill No. 69, a bill to be entitled "An Act to reorganize the Forty-seventh and Fiftieth Judicial Districts, and to create the Sixty-fourth Judicial District of the State of Texas, and to fix the time of holding courts in said districts, and to provide for the appointment of a judge for the said Sixty-fourth Judicial District, and a district attorney for the Fiftieth Judicial District, and to repeal all laws in conflict herewith."

On motion of Senator Decker, the committee report was adopted.

Bill read second time and passed to a third reading.

On motion of Senator Decker, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Willacy.
Harper.	

Absent.

Davidson, Terrell.

Absent—Excused.

Holland, Meachum.

Senator Hawkins offered the following amendment:

Amend by striking out "Yoakum county" wherever found.

On motion of Senator Decker the amendment was tabled.

The bill was read third time, and passed by the following vote:

Yeas—23.

Barrett.	Hicks.
Beaty.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Willacy.
Hawkins.	

Nays—3.

Brachfield, Smith.

Grinnan.

Absent.

Terrell.

Absent—Excused.

Holland, Meachum.

Senator Hawkins moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE MESSAGE.

Hall of the House of Representatives,
Twenty-ninth Legislature.

Austin, Texas, February 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Senate Concurrent Resolution No. 3, relating to the appointing of a Committee on Educational Affairs.

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

EXCUSED.

On motion of Senator Willacy, Senator Terrell was excused from attendance upon the Senate for yesterday and today on account of sickness.

PENDING BUSINESS—COMMITTEE SUBSTITUTE BILL NOS. 1, 8 AND 50.

Action then recurred on Committee Substitute bill Nos. 1, 8 and 50 (anti-free pass bill), action being on Senator Willacy's amendment as follows:

Amend by striking out all of Section

5, page 4, and insert in lieu thereof the following:

Sec. 5. The deficiency in the State Treasury is such that no additional burden should be placed upon the taxpayers at this time, and creates an emergency that this act take effect on and after the 20th day of September, A. D. 1906, and it is so enacted.

After considerable discussion, on motion of Senator Chambers, the amendment was tabled by the following vote:

Yeas—18.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Grinnan.	Skinner.
Hanger.	Smith.
Harper.	Stafford.
Hawkins.	Stokes.

Nays—8.

Beaty.	Hale.
Faust.	Paulus.
Glasscock.	Stone.
Griggs.	Willacy.

Absent.

Davidson.	Harbison.
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Absent—Excused.

Holland.	Terrell.
Meachum.	

Senator Paulus offered the following amendment:

Amend by inserting between lines 13 and 14, page 2, the following: "Provided, further, that no railway or transportation or sleeping car company, or the receiver thereof, shall issue mileage books or other permits to travel over its lines to any person or persons in payment for any services rendered or to be rendered said railway or transportation or sleeping car company."

The amendment was adopted by the following vote:

Yeas—20.

Barrett.	Hale.
Beaty.	Hanger.
Brachfield.	Harper.
Chambers.	Hicks.
Decker.	Hill.
Faulk.	Looney.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Willacy.

Nays—6.

Hawkins.	Stafford.
Martin.	Stokes.
McKamy.	Stone.

Absent.

Davidson.	Harbison.
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Absent—Excused.

Holland.	Terrell.
Meachum.	

Senator Griggs offered the following amendment:

Amend by striking out the words "attorney" and "attorneys" wherever the same occur in the bill.

(Senator Skinner in chair.)

The amendment was adopted by the following vote:

Yeas—13.

Barrett.	Grinnan.
Brachfield.	Hale.
Chambers.	Harper.
Faulk.	Martin.
Faust.	Paulus.
Glasscock.	Willacy.
Griggs.	

Nays—12.

Beaty.	McKamy.
Hanger.	Skinner.
Hawkins.	Smith.
Hicks.	Stafford.
Hill.	Stokes.
Looney.	Stone.

Present—Not Voting.

Decker.

Absent.

Davidson.	Harbison.
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Absent—Excused.

Holland.	Terrell.
Meachum.	

Before the vote was announced, Senator Willacy raised the point of order that, according to the Constitution, on this amendment a railroad attorney should not be allowed to vote, and

Senator Hicks made a further point of order that an immigration agent should not be allowed to vote on this amendment.

The Chair overruled both points of order.

Senator Beaty offered the following amendment:

Amend Section 1, page 2, line 5, by

adding after the word "Act" the words: "Provided, that this act shall not apply to persons traveling in private or special cars, and provided that it shall not apply to transportation of peace officers, military companies or fire companies when going to assist in the stopping of fire, or to the transportation of surgeons, nurses or other parties going to the assistance of those who have been injured by accidents or storms."

Senator Glasscock offered a substitute for the amendment, and Senator Beaty objected, stating that it was not germane to the amendment.

The Chair sustained the objection.

Senator Griggs offered the following amendment to the amendment:

Amend the amendment by striking out the words "private car."

The amendment to the amendment was adopted.

Senator Faulk offered the following amendment to the amendment:

And provided that this act shall not apply to persons traveling in the interest of charitable institutions of this State, or property transported for same.

Senator Beaty objected to this amendment, saying that it was not germane, but the Chair held that it was.

On motion of Senator Decker, the amendment to the amendment was tabled.

Also, on motion of Senator Decker, the amendment by Senator Beaty was tabled.

(Lieutenant Governor Neal in chair.)

Senator Hawkins offered the following amendment:

Amend by adding after the word "receivers" the words "or lessees," in caption and body of the bill.

The amendment was adopted.

Senator Hale offered the following amendment:

Amend by adding the words "except attorneys" immediately after the word "employees" wherever such word occurs in the bill.

The amendment was adopted.

Senator Smith offered the following amendment:

Amend line 29, Section 1, page 1, by striking out the following words: "Of similar or like occupation or condition."

The amendment was adopted.

Senator Hawkins offered the following amendment:

Amend the bill by adding after the words "sleeping car companies" the words "or persons or association of persons operating the same," in caption and body of the bill.

The amendment was adopted.

Senator Stone offered the following amendment:

Amend by striking out all after the word "given," in line 11, page 2, up to and including the word "Legislature," in line 13, page 2, and substitute in lieu thereof the following: "Bona fide immigrants and persons interested and attending the different farmers' and immigration meetings, and provided further, that no employee of any such corporation or members of farmers' or immigration associations while so employed shall be permitted to benefit by the exception herein if a member of the Legislature."

Senator Looney moved the previous question on the pending amendment and the engrossment of the bill.

The motion being duly seconded, the previous question was ordered by the following vote:

Yeas—17.

Barrett.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faulk.	Skinner.
Hanger.	Smith.
Harper.	Stafford.
Hawkins.	Stokes.
Hicks.	

Nays—8.

Beaty.	Hale.
Faust.	Paulus.
Griggs.	Stone.
Grinnan.	Willacy.

Absent.

Davidson.	Harbison.
Glasscock.	

Absent—Excused.

Holland.	Terrell.
Meachum.	

The previous question being ordered, the question was on the pending amendment, and

The same was adopted.

Senator Smith moved to reconsider the vote by which Senator Stone's amendment was adopted.

Senator Decker moved to table the motion and same was lost by the following vote:

Yeas—11.

Beaty.	Hale.
Chambers.	Martin.
Decker.	Paulus.
Faulk.	Stone.
Faust.	Willacy.
Griggs.	

Nays—13.

Barrett.	Looney.
Brachfield.	McKamy.
Grinnan.	Skinner.
Harper.	Smith.
Hawkins.	Stafford.
Hicks.	Stokes.
Hill.	

Present—Not Voting.

Hanger.

Absent.

Davidson.	Harbison.
Glasscock.	

Absent—Excused.

Holland.	Terrell.
Meachum.	

The motion to reconsider prevailed by the following vote:

Yeas—13.

Brachfield.	Hill.
Faulk.	Looney.
Glasscock.	Martin.
Grinnan.	McKamy.
Harper.	Smith.
Hawkins.	Stafford.
Hicks.	

Nays—11.

Barrett.	Hale.
Beaty.	Paulus.
Chambers.	Skinner.
Decker.	Stone.
Faust.	Willacy.
Griggs.	

Present—Not Voting.

Hanger.

Absent.

Davidson.	Stokes.
Harbison.	

Absent—Excused.

Holland.	Terrell.
Meachum.	

Action then being on the amendment, Senator Stone asked that a letter from the president of the A. & M. College be read, and

Senator Smith raised the point of order, that the previous question had been ordered and as the letter was in a manner a discussion of the measure, it was out of order; and

Senator Willacy said that the author of the amendment had a right to discuss it.

The Chair overruled the point of order by Senator Willacy, and sustained Senator Smith's objection and ordered the roll called.

The amendment was lost by the following vote:

Yeas—10.

Barrett.	Griggs.
Beaty.	Hale.
Chambers.	Hanger.
Decker.	Stone.
Faust.	Willacy.

Nays—15.

Brachfield.	Looney.
Faulk.	Martin.
Glasscock.	McKamy.
Grinnan.	Paulus.
Harper.	Skinner.
Hawkins.	Smith.
Hicks.	Stokes.
Hill.	

Absent.

Davidson.	Stafford.
Harbison.	

Absent—Excused.

Holland.	Terrell.
Meachum.	

The bill was ordered engrossed by the following vote:

Yeas—20.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Glasscock.	Paulus.
Grinnan.	Skinner.
Hanger.	Smith.
Harper.	Stokes.
Hawkins.	Stone.

Nays—5.

Beaty.	Hale.
Faust.	Willacy.
Griggs.	

Absent.

Davidson.	Stafford.
Harbison.	

Absent—Excused.

Holland.	Terrell.
Meachum.	

On motion of Senator Hanger, the constitutional rule requiring bills to be read on three several days was sus-

pendent and the bill put on its third reading and final passage by the following vote:

Yeas—21.

Barrett.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Glasscock.	Skinner.
Grinnan.	Smith.
Hale.	Stafford.
Hanger.	Stokes.
Harper.	Willacy.
Hawkins.	

Nays—5.

Beaty.	Paulus.
Faust.	Stone.
Griggs.	

Absent.

Davidson.	Harbison.
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Absent—Excused.

Holland.	Terrell.
Meachum.	

Senator Willacy offered the following amendment:

Amend by striking out all of Section 5 of the bill.

On motion of Senator Chambers, the amendment was tabled.

Senator Grinnan offered the following amendment:

Amend the bill by adding after Section 4 the following: "The exceptions authorizing or allowing the issuance or giving free transportation or carriage, or discrimination in transportation or carriage, under this act, shall only be effective and permitted in the event and to such extent only that such exceptions and discriminations do not make this act conflict with or be in violation of the Constitution of this State."

Senator Beaty here made a point of order that the constitutional rule had not been suspended by a proper number of votes, he citing the Constitution.

The Chair ruled Senator Beaty out of order.

Senator Grinnan's amendment was lost by the following vote:

Yeas—13.

Barrett.	Hill.
Faulk.	Looney.
Grinnan.	McKamy.
Hanger.	Smith.
Harper.	Stafford.
Hawkins.	Stone.
Hicks.	

Nays—13.

Beaty.	Hale.
Brachfield.	Martin.
Chambers.	Paulus.
Decker.	Skinner.
Faust.	Stokes.
Glasscock.	Willacy.
Griggs.	

Absent.

Davidson.	Harbison.
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Absent—Excused.

Holland.	Terrell.
Meachum.	

Senator Griggs offered the following amendment:

Amend by striking out all of lines 11, 12 and 13 after the word "given" in line 11, page 2, and insert the following: "Also the judiciary and heads of all departments of State government, sheriffs and constables, immigration agents and farmers when attending conventions relating to agriculture and others when attending deep water, good roads, irrigation and other conventions relating to matters of public interest, non-political and non-partisan."

(Senator Decker in chair.)

Senator Looney moved the previous question on the amendment and the bill.

The motion was duly seconded, and the previous question was ordered by the following vote:

Yeas—25.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Willacy.
Hawkins.	

Absent.

Davidson.	Harbison.
Glasscock.	

Absent—Excused.

Holland.	Terrell.
Meachum.	

Action then being on the amend-

ment by Senator Griggs, the same was lost by the following vote:

Yeas—7.

Beaty.	Hale.
Chambers.	Paulus.
Faust.	Willacy.
Griggs.	

Nays—19.

Barrett.	Hill.
Brachfield.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Glasscock.	Skinner.
Grinnan.	Smith.
Hanger.	Stafford.
Harper.	Stokes.
Hawkins.	Stone.
Hicks.	

Absent.

Davidson.	Harbison.
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Absent—Excused.

Holland.	Terrell.
Meachum.	

The bill was read third time, and passed.

Senator Hanger moved to reconsider the vote by which the bill passed, and lay that motion on the table.

The motion to table prevailed.

Senator Hill moved that the special order of business (substitute Senate bill No. 44) be suspended, and the Senate take up, out of its order, Senate bill No. 91.

The motion prevailed by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	McKamy.
Faulk.	Paulus.
Faust.	Skinner.
Glasscock.	Smith.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Willacy.
Harper.	

Nays—1.

Martin.

Absent.

Davidson.	Harbison.
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Absent—Excused.

Holland.	Terrell.
Meachum.	

The Chair then laid before the Senate, on its second reading.

Senate bill No. 91, a bill to be entitled "An Act to amend Article 642, of the Revised Civil Statutes of Texas, as amended by Chapter 130, Acts of the Twenty-fifth Legislature, Chapter 43, Acts of the Twenty-sixth Legislature, Chapter 43, Acts of the Twenty-seventh Legislature, and Chapter 129, Acts of the Twenty-eighth Legislature, by adding thereto Subdivision 62, authorizing the formation of corporations for growing, preparing for market, and selling of rice, and Subdivision 63, authorizing the formation of corporations for the purpose of growing and selling sugar cane, and making and refining sugar, molasses and all by-products of sugar cane, and declaring an emergency."

Bill read second time and ordered engrossed. On motion of Senator Hill the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Willacy.

Absent.

Davidson.	Harbison.
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Absent—Excused.

Holland.	Terrell.
Meachum.	

The bill was read third time and passed by the following vote:

Yeas—26.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.

Glasscock.	Skinner.
Griggs.	Smith.
Grinnan.	Stafford.
Hale.	Stokes.
Hanger.	Stone.
Harper.	Willacy.

Absent.

Davidson. Harbison.

Absent—Excused.

Holland. Terrell.
Meachum.

Senator Hill moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

On motion of Senator McKamy, the Senate took a recess till 3 o'clock p. m.

AFTER RECESS.

Lieutenant Governor Neal presiding.

On motion of Senator Martin, the special order of business (substitute Senate bill No. 44) was suspended, and the Senate took up, out of its order, Senate bill No. 124.

The Chair laid before the Senate, on its second reading,

Senate bill No. 124, a bill to be entitled "An Act to provide for the holding of special terms of the district court in several of the counties of the State of Texas."

Senator Martin offered the following amendment:

Amend by adding Section 6, as follows:

"The crowded condition of the docket of the district courts in many counties on account of the shortness of the times fixed by law create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this bill be passed and take effect immediately after its passage, and it is so enacted."

The amendment was adopted.

Senator Skinner offered the following amendment:

Amend by substituting in the caption and body of the bill the word "courts" for "court."

The amendment was adopted.

The bill was read second time and ordered engrossed.

SIMPLE RESOLUTION.

Senator Paulus offered the following resolution:

Resolved, That two hundred copies of Substitute Senate bill Nos. 1, 8 and 50, as finally passed by the Senate, be

printed for use of members of the Senate.

PAULUS,
HANGER,
CHAMBERS.

The resolution was adopted.

SENATE BILL NO. 89—ENGROSSMENT OF.

On motion of Senator Brachfield, the special order of business (Senate bill No. 44) was suspended, and the Senate took up, out of its order, Senate bill No. 89.

The Chair laid before the Senate, on its second reading,

Senate bill No. 89, a bill to be entitled "An Act to amend Title XC by adding Articles 4313, 4313a, 4313b and providing for private weighers, defining their duties and liabilities and providing a penalty and declaring an emergency."

The bill was read second time and ordered engrossed.

SENATE BILL NO. 44—PENDING BUSINESS.

The Chair here laid before the Senate, on its second reading, as special order, Senate bill No. 44.

The question being on the substitute bill offered by Senator Harper.

On motion of Senator Harper the substitute bill was adopted.

Caption of the substitute is as follows:

Substitute Senate bill No. 44, a bill to be entitled "An Act to prohibit any person, firm, or association of persons, agents or employees of said person, firm or association of persons, who are engaged in the occupation or business of storing or keeping for others, spirituous, vinous or malt liquors or medicated bitters, capable of producing intoxication, within any county in this State, from allowing any vinous, spirituous or malt liquors or medicated bitters capable of producing intoxication to be drunk within such place of business, or permitting any person under the age of twenty-one years from entering and remaining in any such place of business, or permitting any game of pool, billiards or dominoes to be played in any such place of business, or permitting any game of chance of any description whatever prohibited by the laws of this State from being played, kept or exhibited in such place of business, and providing a penalty therefor."

Senator Hicks offered the following amendment:

Amend by adding after "premises," at the end of Section 1, the following: "Provided further, that the provisions of this act shall not apply to clubs in-

corporated under the laws of this State which sell liquors to their members exclusively."

The amendment was adopted.

Senator Grinnan offered the following amendment:

Amend by adding after Section 1 the following:

Section 2.—Any person, firm, association of persons or corporation, agent or employe of any person, firm, association of persons, or corporation who are engaged in the business or occupation of keeping or storing intoxicating liquors for others within any county, justice precinct, subdivision of a county, city or town, in which the sale of intoxicating liquor has been prohibited under the laws of this State, shall permit any one to drink any intoxicating liquor within such place of business, shall be guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and by confinement in the county jail not less than twenty nor more than sixty days.

Sec. 3.—Any express company, railway company, common carrier, or any person in the employ of any express company, railway company or common carrier, who shall transport or deliver any intoxicating liquor to any purchaser, or agent of such purchaser, in any county, justice precinct, subdivision of a county, city or town, in which the sale of intoxicating liquor has been prohibited in this State, unless such purchaser is authorized by law to buy or sell intoxicating liquor in cases of sickness or sacramental purposes, in any county, justice precinct, subdivision of a county, city or town, in which the sale of intoxicating liquor has been prohibited under the laws of this State, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars, and by confinement in the county jail not less than twenty nor more than sixty days.

Sec. 4.—If any corporation shall violate any of the provisions of this Act, the charter or permit to do business in this state shall become and is forfeited.

Sec. 5.—If any person, firm or corporation shall, either in or outside of any county, justice precinct, subdivision of a county, city or town, in which the sale of intoxicating liquor has been prohibited under the laws of this State, sell any intoxicating liquor to be drunk, or which shall be drunk within said territory where the sale of intoxicating liquor has been prohibited, shall be guilty of a misdemeanor, and upon conviction, shall

be fined in any sum not less than twenty-five dollars nor more than one hundred dollars, and by imprisonment in the county jail for not less than twenty nor more than sixty days.

Sec. 6.—The last preceding section shall not apply to any manufacturer, wholesale dealer or person who sells intoxicating liquor in cases of sickness or sacramental purposes upon the written prescription of a practicing physician, as required by the local option laws of this State; nor to any manufacturer, wholesale dealer or person who, in good faith and in the usual course of trade, sells by wholesale in quantities more than five gallons to persons, firms or corporations who are authorized by law to sell intoxicating liquor in cases of sickness or for sacramental purposes, in any county, justice precinct, subdivision of a county, city or town, in which the sale of intoxicating liquor has been prohibited under the laws of this State.

Sec. 7.—The State of Texas shall also, and is given, a civil action for the penalties provided in this Act, in addition to the criminal; and the suit for damages or prosecution for violating this act may be brought in the county where the sale was made or in the county where the intoxicating liquor was to be drunk or was drunk.

On motion of Senator Chambers the amendment was tabled by the following vote:

Yeas—15.

Barrett.	Hicks.
Beaty.	Hill.
Brachfield.	Skinner.
Chambers.	Stafford.
Decker.	Stokes.
Glasscock.	Stone.
Griggs.	Willacy.
Hanger.	

Nays—9.

Faulk.	Looney.
Faust.	Martin.
Grinnan.	McKamy.
Harbison.	Paulus.
Hawkins.	

Absent.

Davidson.	Harper.
Hale.	Smith.

Absent—Excused.

Holland.	Terrell.
Meachum.	

On motion of Senator Hicks, the Senate took a recess for fifteen minutes.

AFTER RECESS.

PENDING BUSINESS RESUMED.

Action recurring on the motion of Senator Looney to reconsider the vote by which the amendment offered by Senator Hicks was adopted, and

On that motion Senator Hicks moved a call of the Senate.

The call being duly seconded, the roll was ordered called, the following Senators answering to their names:

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Willacy.
Harbison.	

Absent.

Davidson.	Smith.
Harper.	

Absent—Excused.

Holland.	Terrell.
Meachum.	

The absentees, not excused, were announced as follows: Senators Davidson, Harper and Smith.

Senator Harbison moved to excuse the absentees.

On that motion the yeas and nays were called for, and the motion was lost by the following vote:

Yeas—15.

Barrett.	Hill.
Brachfield.	Looney.
Chambers.	Martin.
Faulk.	McKamy.
Glasscock.	Paulus.
Grinnan.	Skinner.
Harbison.	Stokes.
Hawkins.	

Nays—10.

Beaty.	Hanger.
Decker.	Hicks.
Faust.	Stafford.
Griggs.	Stone.
Hale.	Willacy.

Absent.

Davidson.	Smith.
Harper.	

Absent—Excused.

Holland.	Terrell.
Meachum.	

The Sergeant-at-Arms was instructed to notify the absentees and to use such means to get them here.

SENATE BILL NO. 124 ON THIRD READING.

Senator Martin moved that the special order of business (Senate bill No. 43) be suspended and the Senate take up, out of its order, Senate bill No. 124.

The motion prevailed by the following vote:

Yeas—16.

Beaty.	Hicks.
Brachfield.	Hill.
Decker.	Martin.
Faust.	McKamy.
Glasscock.	Stafford.
Griggs.	Stokes.
Grinnan.	Stone.
Hawkins.	Willacy.

Nays—9.

Barrett.	Harbison.
Chambers.	Looney.
Faulk.	Paulus.
Hale.	Skinner.
Hanger.	

Absent.

Davidson.	Smith.
Harper.	

Absent—Excused.

Holland.	Terrell.
Meachum.	

On motion of Senator Martin, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Barrett.	Hawkins.
Beaty.	Hicks.
Brachfield.	Hill.
Chambers.	Looney.
Decker.	Martin.
Faulk.	McKamy.
Faust.	Paulus.
Glasscock.	Skinner.
Griggs.	Stafford.
Grinnan.	Stokes.
Hale.	Stone.
Hanger.	Willacy.
Harbison.	

Absent.

Davidson.	Smith.
Harper.	

Absent—Excused.

Holland. Terrell.
Meachum.

The bill was read third time, and passed.

Senator Martin moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

PENDING BUSINESS.

Action recurring on substitute Senate bill No. 44, Senator Looney asked to withdraw his motion to reconsider the vote by which Senator Hicks' amendment was adopted.

Several points of order were made, and the Chair ruled that the Senator would be allowed to withdraw his motion by unanimous consent.

Senator Hicks objected.

After some discussion, Senator Hicks withdrew his objections, and Senator Looney withdrew his motion to reconsider the vote by which Senator Hicks' amendment was adopted.

The Chair then announced the call suspended.

Senator Looney then moved that the vote by which the substitute bill was adopted be reconsidered.

The motion prevailed, and

Action then recurred on the substitute, and

Senator Barrett moved to table the substitute.

The motion prevailed.

Action then being on the original bill,

Bill was read second time, and ordered engrossed.

HOUSE MESSAGE.

Hall of the House of Representatives.
Twenty-ninth Legislature.

Austin, Texas, February 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the joint Committee on Rules governing the procedure of the Twenty-ninth Legislature.

Respectfully,

MARK LOGAN,

Acting Chief Clerk, House of Representatives.

BILLS SIGNED.

The Chair, Lieutenant Governor Neal, gave notice of signing, and did sign in the presence of the Senate, after their caption had been read.

Substitute House bill No. 69, a bill to be entitled "An Act to reorganize the Forty-seventh and Fiftieth Judicial Districts, and to create the Sixty-fourth Judicial District of the State of Texas, and to fix the time of holding courts in said districts, and to provide for the appointment of a Judge for the said Sixty-fourth Judicial District, and a District Attorney for the Fiftieth Judicial District, and to repeal all laws in conflict herewith."

House bill No. 252, a bill to be entitled "An Act to create a more efficient road system for Archer county, Texas."

House bill No. 187, a bill to be entitled "An Act to create a more efficient road system for Johnson county, Texas."

House Concurrent Resolution No. 6, relative to thanking Dr. V. O. King for his donation of books to the State.

ADJOURNMENT.

Senator Glasscock moved that the Senate adjourn till tomorrow morning at 10 o'clock.

Senator Faust moved that the Senate adjourn till Monday morning at 10 o'clock.

Action being on the longest time first the motion to adjourn till Monday morning prevailed.

APPENDIX A.

Committee Room,

Austin, Texas, February 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 165, a bill to be entitled "An Act to prohibit malpractice and frauds in the practice of medicine and surgery, and to revoke license,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,

Austin, Texas, February 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 150, a bill to be entitled "An Act to amend Section 7, Chapter 42 of the Acts of the Twenty-eighth Legislature entitled an act to provide for and regulate the granting of license to practice as attorney and counselor at law in all the courts of the State of Texas, and to repeal all laws and parts of laws in conflict here-

with. Approved March 19, 1903."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room.

Austin, Texas, Feb. 3, 1905.

Hon. Geo. D. Neal, President of the Senate: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 147, a bill to be entitled "An Act to regulate appeals in the courts of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room.

Austin, Texas, Feb. 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 48, a bill to be entitled "An Act to define who are peddlers, and declaring all persons who go from house to house and place to place, making a sale of merchandise by retail, or taking orders for the future delivery of merchandise regardless of the mode and the manner of delivery, to be peddlers; levying an occupation tax on such persons, and providing a penalty for the violation of this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room.

Austin, Texas, Feb. 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 76, a bill to be entitled "An Act to provide for recording notices of lis pendens and levies, to define the effect of such notice, and to repeal all laws in conflict therewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room.

Austin, Texas, Feb. 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 143, a bill to be entitled "An Act to amend Articles 4308, 4309, 4310, 4311, 4312, 4314, 4315, 4316, Title XC, Revised Civil Statutes of the State of Texas, relating to public weighers for justice precincts, when so desired by the public weighers, and regulating the bonds of all public

weighers, and prohibiting others from weighing cotton where the office of public weigher has been created, and providing for an election to abolish the public weigher's office in counties where it is not wanted, and repeal all laws and parts of laws in conflict with this act,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room.

Austin, Texas, Feb. 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 113, a bill to be entitled "An Act to amend Title XXII, Article 750, of the Revised Civil Statutes of Texas, relating to counter claims, providing that where the defendant pleads any counter claim the plaintiff shall take notice thereof and no citation thereon shall be necessary,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

MAJORITY REPORT.

Committee Room,

Austin, Texas, February 3, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 142, a bill to be entitled "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Jasper and Eastern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as a part of its own line, with the right to extend the said road and to construct branches therefrom by amendment of its charter under the General Laws of the State of Texas, and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property, to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of the said other company,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, February 3, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: A minority of your Judiciary Committee No. 1, to whom was referred

Senate bill No. 142, a bill to be entitled "An Act to authorize the Gulf, Colorado and Santa Fe Railway Company to purchase the railroads and all other property of the Jasper and Eastern Railway Company, now owned and hereafter acquired, and to operate the same under the charter of the Gulf, Colorado and Santa Fe Railway Company as a part of its own lines, with the right to extend the said road, construct branches therefrom by amendment of its charter under the General Laws of the State of Texas, and to authorize the corporation or corporations, person or persons, now or hereafter owning the said property, to sell the same to the Gulf, Colorado and Santa Fe Railway Company, and until such purchase is made to authorize the lease by the Gulf, Colorado and Santa Fe Railway Company of the railroad and other properties of said other railroad."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend the bill by adding after the word "thereof," in Section 1, line 26, of bill:

"Provided, that the said Gulf, Colorado and Santa Fe Railway Company shall, in addition to the conditions of said bill, hereinbefore stated, be required to carry free of charge over its lines all members of either branch of the Legislature of the State of Texas, the Governor, Lieutenant Governor, Attorney General, State Treasurer, State Comptroller, Commissioner of the General Land Office, Superintendent of Public Instruction, Commissioner of Insurance, Statistics and History and members of the Railroad Commission, each for the time which said parties shall respectively hold a commission as officers of the State of Texas, as above named.

"Said officers shall need no further evidence of their right to said free transportation other than to present their certificates of election, properly certified by the Secretary of State of the State of Texas.

"And in addition to the foregoing requirements, they shall carry free of charge all sheriffs of the State of Texas, and said sheriffs shall need no

other evidence of their right to said free transportation than the certificate of their election duly certified by the county judge and commissioners court of the county of which he is sheriff."

DECKER.
STONE.

Committee Room,
Austin, Texas, February 3, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 146, a bill to be entitled "An Act to amend Article 2462, Title XLV, Chapter 3, of the Revised Statutes of 1895,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, February 3, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 167, a bill to be entitled "An Act to amend Article 1383, Chapter 19, Title XXX, of the Revised Civil Statutes, pertaining to appeals and writs of error,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HICKS, Chairman.

Committee Room,
Austin, Texas, February 3, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 159, a bill to be entitled "An Act regulating the sale of concentrated commercial feedstuffs, defining concentrated feeding stuffs, prohibiting the adulteration, and providing for the collection of samples, the expense of the enforcement of the law, and fixing penalties for its violation.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMITH, Acting Chairman.

Committee Room,
Austin, Tex., February 2, 1905.
Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 137, a bill to be entitled "An Act for the promotion of medical science by the distribution and use of unclaimed human bodies for scientific purposes through a board

created for that purpose, and to prevent unauthorized uses and traffic in human bodies, and to legalize dissections and experiments by authorized persons."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.
Committee Room,

Austin, Texas, February 2, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Public Health, to whom was referred

Senate bill No. 92, a bill to be entitled "An Act to amend Sections 2 and 3 of Chapter 12 of the Acts of the Twenty-seventh Legislature of the State of Texas, and providing for establishing a board of physio-medical examiners of the State of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.
Committee Room,

Austin, Texas, February 2, 1905.

Hon. Geo. D. Neal, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 14, being "An Act regulating the granting of divorces by dissolving the bonds of matrimony, the practice in relation to the trial of divorce suits, and prescribing penalties for violating the provisions thereof, and with an emergency clause,"

And find the same correctly engrossed.

BARRETT, Chairman.

TWENTIETH DAY.

Senate Chamber,

Austin, Tex., Monday, Feb. 6, 1905.

Senate met pursuant to adjournment, Lieutenant Governor George D. Neal in the chair.

Roll call, quorum present, the following Senators answering to their names:

Barrett.	Harper.
Beaty.	Hawkins.
Brachfield.	Hicks.
Chambers.	Hill.
Decker.	Looney.
Faust.	Martin.
Glasscock.	McKamy.
Griggs.	Skinner.
Grinnan.	Smith.
Hale.	Stokes.
Hanger.	Stone.
Harbison.	Willacy.

Absent.

Davidson.	Stafford.
Faulk.	Terrell.
Paulus.	

Absent—Excused.

Holland.	Meachum.
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Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Skinner, the same was dispensed with.

EXCUSED.

On motion of Senator Glasscock, Senator Faulk was excused from attendance upon the Senate for today on account of important business.

On motion of Senator Hill, Senator Paulus was excused from attendance upon the Senate for today on account of sickness.

PETITIONS AND MEMORIALS.

The Chair laid the following memorial before the Senate:

To the Senate of the State of Texas:

Gentlemen—We, the citizens of Queen City, Texas, most earnestly petition and appeal to your honorable body to enact a law which shall give the people relief from the vicious features of the cold storage and clubs, now operated in prohibition districts in this State.

Numerously signed.

See Appendix for committee reports.

HOUSE MESSAGE.

Hall of the House of Representatives.
Twenty-ninth Legislature.

Austin, Texas, February 6, 1905.

Hon. George D. Neal, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 55, a bill to be entitled "An Act to authorize the city council of all cities and towns incorporated under the General Laws of this State to regulate the charges and fix the rates to be charged by all water companies or persons engaged in supplying water, gas and light to the public within the limits of said cities and towns, and occupying the streets and other public places for that purpose, and to prescribe reasonable rules and regulations therefor, and to protect said companies and corporations or persons from imposition."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.